

### **REMARKS**

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendments above and the following remarks.

Claims 43-69 are now pending in this application. Claims 43, 56, and 64 are independent claims. Claims 22-42 are cancelled without prejudice (Claims 1-21 were previously cancelled). New Claims 43-69 have been added. It is respectfully submitted that all of the new claims are supported by the application as originally filed.

### **Information Disclosure Statement**

At page 2, the Office Action notes that the Information Disclosure Statement ("IDS") filed on April 7, 2005 fails to comply with 37 C.F.R. § 1.98(a)(2), in that copies of some foreign patent documents cited in the IDS were not provided. Applicants are submitting a new IDS, along with copies of the references not previously provided, to ensure that those references are considered.

### **Claim Objections**

At pages 2-4, the Office Action objects to Claims 22, 23, 25, 28-31, 35, 39, and 42 based on various informalities. Applicants respectfully submit that these objections are now moot, in view of the cancellation of these claims.

### **Claim Rejections under 35 U.S.C. §§ 102 and 103**

At pages 4-13, the Office Action recites the following rejections:

- Claims 22, 23, 26-29, 32, 34, and 36-39 are rejected under 35 U.S.C. §102(b) as being anticipated by Kalra et al. (U.S. Patent No. 5,953,506);
- Claims 24, 41, and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of Buxton (U.S. Patent No. 6,937,730);
- Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of Buxton and Saunders et al. (U.S. Patent No. 7,290,057);

- Claims 30 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of Blackketter et al. (U.S. Patent No. 6,938,270);
- Claims 33 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of Matsumoto et al. (U.S. Patent Application Publication No. 2002/0025141); and
- Claim 40 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of DeLeon (U.S. Patent Application Publication No. 2002/0064285).

It is respectfully submitted that these rejections are now moot in view of the cancellation of these claims.

#### **Discussion of New Claims**

Applicants note that all of the new independent claims, Claims 43, 56, and 64, recite, among other things, that “the modified stream is distorted with respect to the original audio stream.” Applicants further note that Kalra et al. states that the system disclosed in that patent is to provide “distortion-free reproduction . . . of different resolutions.” Kalra et al., col. 4, lines 1-6. Given that the modified stream in the claimed invention is distorted, it is apparent that the system of Kalra et al. teaches something very different.

To explain further, Kalra et al., noting, e.g., col. 4, lines 13-59 and Figs. 2A and 2B, discloses a system in which a media stream (which may be audio, video, etc.) is divided into a “base stream” and one or more “additive streams,” which are collectively denoted an “adaptive stream.” The base stream contains a version of the media stream at a first resolution. The resolution of the transmitted information may be increased by transmitting one or more of the additive streams. As noted at col. 4, lines 24-30, a “resolution profile” associated with a multimedia device is used to determine whether and which additive streams are to be sent to the device along with the base stream, in order to provide the device with data at a resolution appropriate to the device. That is, the idea of Kalra et al. is *not* to distort the stream, but rather to decrease its resolution, in comparison to an original stream.

In contrast, the claims, as noted above, recite that the modified main stream is *distorted* with respect to the original audio stream, which, while it may be possible to play back the audio based on the modified main stream, provides a distorted output if the modified main stream is played back.

For at least these reasons, it is respectfully submitted that Kalra et al. and the other cited references do not anticipate or render obvious new Claims 43-69.

Applicants further note that various dependent claims include further elements that are not taught by the cited references, and which are, therefore, allowable for further reasons.

### **Disclaimer**

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

**CONCLUSION**

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Applicants believe no fee is due with this response other than such fees as may be indicated on an accompanying paper. However, if any fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01111-US from which the undersigned is authorized to draw.

Dated: December 29, 2008

Respectfully submitted,

Electronic signature: /Jeffrey W. Gluck/  
Jeffrey W. Gluck

Registration No.: 44,457  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 572-0322  
(202) 293-6229 (Fax)  
Attorney for Applicant